

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TERRY MITCHELL,)	
)	
Plaintiff,)	
)	
vs.)	CV 04-BE-3239-S
)	
CORRECTIONAL OFFICER ROWE, et al.,)	
)	
Defendants.)	

ORDER

The magistrate judge filed a report and recommendation on December 10, 2004, recommending that this action be transferred to the United States District Court for the Middle District of Alabama. The plaintiff filed a Motion to Amend and a second declaration in support of his request to proceed *in forma pauperis* on December 20, 2004, but he did not object to the transfer of this action.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. It is therefore **ORDERED** that this case be **TRANSFERRED** to the United States District Court for the Middle District of Alabama for further proceedings.

DONE, this the 28th day of January, 2005.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE